IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3297 of 2005

Between:

The Anakapalli rural Electric Cooperative Society Limited Represented by its Managing Director, V.Raghava Rao
Kasimkota, Visakhapatnam District.

..... PETITIONER

AND

1 The Commissioner appointed under Workmen Compensation

Act/ The Assistant Commissioner of Labour, Circle-I
Visakhapatnam.

2 Smt.Joga Lakshmi Wife of Late J.Tata Rao Themmalyapalem,

Hemlet of Pedagolla, Palem Village Subbavaram Mandal,

Visakhapatnam District.

3 Kumari Joga Madhuri, D/o. Late J.Tata Rao, Thamalyyapalem
Hamlet of Peda Gollapalem Village Sabbavaram Mandal,

represented by her mother and guardian the 2nd
Respondent, Joga Lakshmi.

4 Joga Purnachandra S/o. of Late J.Tata Rao,

Thammalyyapalem, Hamlet of Peda Gollapalem Village

Sabbavaram Mandal, Visakhapatnam District.
(being minor represented by mother and guardian the 2nd

respondent Joga Lakshmi)

5 Velagal Rama Rao S/o. Suryanarayana

Contractor under RECS, R/o.Munagapaka Village and Mandal,
Visakhapatnam District.

.....RESPONDENTS

ORDER:

This writ petition is filed to issue writ of Mandamus or any other appropriate writ, order or direction, declaring the order dated 19.01.2005 in W.C.M.P.No.12 of 2004 and the order dated 21.06.2004 in W.C.No.63 of 2003 of the Commissioner appointed under Workmen's Compensation Act/Assistant Commissioner of Labour, Circle I Visakhapatnam as illegal and consequently direct the first respondent to re-hear W.C.No.63 of 2003 after giving opportunity to the petitioner to file counter and adduce evidence.

The grievance of the petitioner is that no opportunity was given in the main workmen compensation Court and therefore, the petitioner filed W.C.M.P.No.12 of 2004 to set aside the exparte order under Order 9 Rule 13 Code of Civil Procedure.

The only ground urged by the learned counsel for the petitioner is that no opportunity was given to the petitioner and therefore, W.C.No.63 of 2003 is liable to be set aside.

Admittedly, the petitioner engaged a counsel before the Court of Workmen Compensation and therefore, it is the bounden duty of the counsel to attend the Court and represent the case. As such the contention of the learned counsel for the

petitioner cannot be accepted. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed and the petitioner is at liberty to avail the remedies as available under law. No costs.

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kvrm 12-09-2005